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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Bernd KRUEGER

Application No.: 10/808,969

Filed: March 25, 2004

For: **WARMING/CHILLING APPARATUS**

Attorney Docket No.: 4052.001

Customer Number: 000041288

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97 and §1.98**

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. §1.56, Applicants hereby notify the U.S. Patent and Trademark Office of the following documents for the above-identified application. Copies of the documents set forth below and listed on the attached Form PTO-1449, copy of a Search Report which used in the corresponding German patent application and a copy of the European Search Report in which documents were cited are provided herewith.

1. German Patent Application No. 101 47 563 A1
2. German Patent Application No. 100 65 592 A1
3. U.S. Patent No. 5,746,702
4. U.S. Patent No. 4,763,666

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5. U.S. Patent No. 4,653,507
6. U.S. Patent No. 4,585,002
7. U.S. Patent No. 3,618,590
8. U.S. Patent No. 3,207,159
9. European Patent No. 0 330 472 B1
10. World Patent Application No. 02/064069 A2
11. U.S. Patent No. 4,860,748
12. U.S. Patent No. 4,741,338
13. U.S. Patent Application No. 10/075,546 (Pub. No. 2002107543 A1)

Documents 3-8 & 11-13 are in the English language. The relevancy of the Non-English documents is explained below.

Document 1

In the Search Report for the German priority application Document 1 was cited as "A" category relevancy, mere technical background. Applicants are not aware of any English language document equivalent to or in the Patent Family of Document 1, other than an English language abstract which is attached below.

The document discloses a device for standardized temperature exposition on the skin of patients with cold or hot urticaria based on use of the Peltier effect, comprises one or more temperature applicators (A) and a control and regulation unit (B). The device comprises a metal, preferably aluminum, housing (1) with a temperature sensor (2), Peltier elements (3),

cooling ribs (4) and micro-ventilator (5). The device operates at between 0 and 60 degrees C.

Document 2

In the Search Report for the German Priority Application Document 2 was cited as "D" and "Y" category relevancy to claims 1, 2, 4-7, 10-12 & 16. Applicants are not aware of any English language equivalent document other than an English language abstract which is attached below. Document 10 is a Patent Family Member of Document 2.

The document discloses the method of hot-cold treatment of migraine involves applying heat and cold for different time periods in seconds or minutes on the blood vessels, to reduce congestion and free nerve pathways. The method uses a head band (1) with hot and cold water or oil ducts (4). The head band can have two pads (2).

Document 9

Document 11 is an English language equivalent to Document 9. Also attached below is an English language abstract.

The document discloses a sequence of temperature variations are produced on a surface by a plurality of spatially separated thermoelectric means controlled by an electronic controller. Time control means produces a delay of at least sixty seconds between reversals of temperature gradient between two of the thermoelectric means. The invention has useful application on

the relief of pain in the skin. A microprocessor can be arranged to pre-program thermal pattern to be selected and the hot intensity, cold intensity and time delay between sequences can also be selected. Patterns of temperature variation include checkerboard patterns, hot and cold waves, alternating left and right and side temperature changes, etc.

Document 10

Document 10 is a Patent Family Member of Document 2.

The present Information Disclosure Statement is being filed after three months from the application's filing date but before the mailing date of the first Office Action on the merits, therefore no Certification Under 37 C.F.R. §1.97(e) or fee under 37 C.F.R. §1.17(p) is required.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedated or otherwise remove any listed document as a competent reference against the claims of the present application.

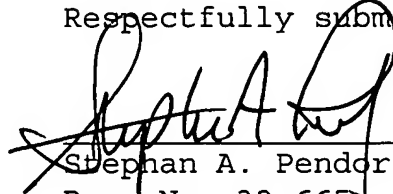
Applicant respectfully requests that the listed documents be considered by the Examiner and be made of record in the

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present application and that an initialed copy of Form PTO-1449
be returned in accordance with MPEP §609.

Respectfully submitted,


Stephan A. Pendorf
Reg. No. 32,665

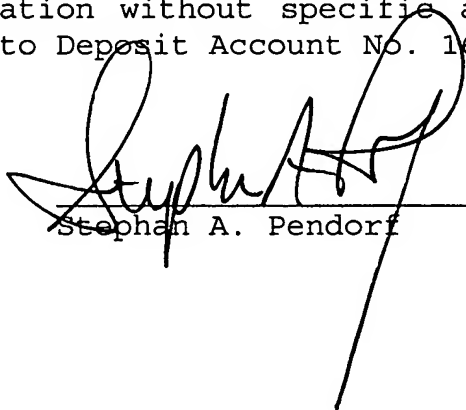
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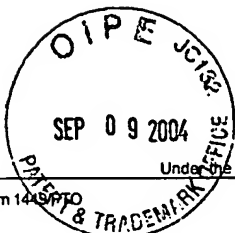
Dated: **September 7, 2004**

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing INFORMATION DISCLOSURE
STATEMENT Form PTO-1449, including fifteen (15) documents, for
U.S. Application No. 10/808,969 filed March 25, 2004, were
deposited in first class U.S. mail, postage prepaid, P.O. Box
1450, Alexandria, VA 22313-1450, on **September 7, 2004**.

The Commissioner is hereby authorized to charge any
additional fees which may be required at any time during the
prosecution of this application without specific authorization,
or credit any overpayment, to Deposit Account No. 16-0877.


Stephan A. Pendorf



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete If Known	
		Application Number	10/808,969
		Filing Date	03/25/04
		First Named Inventor	Bernd KRUEGER
		Art Unit	3762
Sheet	of	Examiner Name	
		Attorney Docket No.	4052.001

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (If Known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-5,746,702	12/08/1994	David Mendeloevich Geifgat et al.	
		US-4,763,666	08/16/1988	Friedrich Strian et al.	
		US-4,653,507	03/31/1987	Charles Laudadio	
		US-4,585,002	04/29/1986	Igor Kissin	Column 4, line 18 - 26
		US-3,618,590	11/09/1971	Ulrich Anton Frank Yardley et al.	
		US-3,207,159	09/21/1965	Kazuma Tateisi et al.	
		US-4,860,748	08/29/1989	Anthony A. Chiurco et al.	
		US-4,741,338	05/03/1988	Toshiaki Miyamae	Column 3, line 40 - 58
		US-2002107543	08/08/2002	David S. Hollander et al.	Paragraph 0003, 0034, 0074, 0076, 0079, 0080, 0085, 0086.
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁵ (If known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		DE 101 47 563	04/17/2003	Maurer Marcus et al.		N
		DE 100 65 592	07/04/2002	Sinnig Werner et al.		N
		EP 0 330 472	08/30/1989	Anthony A Chiurco et al.		N
		WO 02/064069	08/22/2002	Peter Goroll		N

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.